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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,779	02/20/2004	Yu Gong	50277-2334	6676
43425	7590	12/29/2011		
HICKMAN PALERMO TRUONG & BECKER/ORACLE			EXAMINER	
One Almaden Boulevard			HARPER, ELIYAH STONE	
12th Floor				
SAN JOSE, CA 95113			ART UNIT	PAPER NUMBER
			2166	
			MAIL DATE	DELIVERY MODE
			12/29/2011 PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/783,779

**Applicant(s)**

GONG, YU

**Examiner**

ELIYAH S. HARPER

**Art Unit**

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 October 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 100-131 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 100-131 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-893)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

### **DETAILED ACTION**

1. The appeal brief filed on 10/5/2011 has been entered. The examiner is adding a new grounds of rejection. Accordingly while the remaining issues are unchanged the instant action is non-final thereby reopening prosecution to allow applicant the opportunity to respond to the newly added rejection.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 116-131 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 116-131 are computer readable volatile or non-volatile storage device claims. The specification at paragraphs 0074 and 0065 state that various forms of machine-readable media may be involved including a carrier wave or any form of medium which a computer can read.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 100-131 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 7139779 (hereinafter Kornelson) in view of US (20040034615 Thomson)

As for claim 100 Kornelson discloses: a source ETL application receiving, from a user, input that selects one or more database objects to be transported from a source database to a target database (See column 5 lines 45-60 and figure 3)

Wherein said source database includes source database metadata that describes a structure of database objects of said source database (See column 8 lines 20-35).

wherein said source database metadata identifies a set of tablespaces that store data for the one or more database objects to be transported, and said set of tablespaces is in a format that is understandable by the target database (See column 7 lines 5-35);

Said source ETL application cause generation of a module comprising metadata that describes a structure of said one or more database objects of said source database (See column 8 lines 25-35)

A target ETL application reading said module wherein said database includes target database metadata that describes a structure of database objects of said target database (See column lines 53-61)

Wherein said target ETL application includes target ETL metadata, separate from said target database metadata, that describes a structure of said database objects of said target database (See column 7 lines 1-20).

Wherein reading said module causes said target ETL application to perform

Modifying said target ETL metadata based on said source ETL metadata read from said module to describe a structure of said one or more database objects of said target database (See column 7 lines 35-55); and

Modifying said target database metadata based on said metadata read from said module to describe the structure of said one or more database objects of said one or more database objects of said source database (See column 8 lines 20-35) ;

A target database system incorporating a copy of said set of tablespaces that store said data for at least one of said one or more database objects wherein incorporating said copy of said set of tablespaces includes modifying the target database metadata to define said copy of said set of tablespaces as a set of

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tablesaces that are used to store said data for at least one of said one or more database objects. (See column 12 lines 1-15).

Kornelson however does not explicitly disclose: wherein said source ETL application includes source ETL metadata, separate from said source database metadata. Thomson however does disclose: wherein said source ETL application includes source ETL metadata, separate from said source database metadata (See paragraph 0063); It would have been obvious to an artisan of ordinary skill in the pertinent at the time the invention was made to have incorporated the teaching of Thomson into the system of Kornelson. The modification would have been obvious because the two references are concerned with the solution to problem of data processing, therefore there is an implicit motivation to combine these references. In other words, the ordinary skilled artisan, during his/her quest for a solution to the cited problem, would look to the cited references at the time the invention was made. Consequently, the ordinary skilled artisan would have been motivated to combine the cited references since Thomson's teaching would enable user's of the Kornelson system to have more flexibility and efficiency transforming data into different formats for storage and retrieval purposes (See Thomson paragraphs 0011-0012).

As for claim 101 the rejection of claim 100 is incorporated and further Thomson discloses: in response to a failure occurring during the loading of said database objects within said target database, rolling back all changes made

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during the loading of the database objects to the target database (See paragraph 0066).

As for claim 102 the rejection of claim 100 is incorporated and further Thomson discloses: wherein the selected one or more database objects to be transported from a source database to a target database includes a database object that has metadata stored outside of the source database (See paragraphs 0151-0153).

As for claim 103 the rejection of claim 100 is incorporated and further Thomson discloses: wherein generation of a module includes analyzing the source database metadata for dependencies (See paragraph 0009).

As for claim 104 the rejection of claim 100 is incorporated and further Thomson discloses: wherein analyzing the source database metadata for dependencies includes ensuring proper order of loading of the source database metadata into the target database (See paragraph 0046, 0107).

As for claim 105 the rejection of claim 100 is incorporated and further Thomson discloses: storing said module in one or more files in a source file system (See paragraph 0046).

As for claim 106 the rejection of claim 105 is incorporated and further Kornelson discloses: said target ETL application performing the steps of: reading a specification containing information for how to move modules from said source file system to a target file system; and wherein said information comprises a network protocol and the location in the source file system of said one or more files; and accessing said one or more files in a source file system based on said information (See column 7 lines 55-68 ).

As for claim 107 the rejection of claim 106 is incorporated and further Thomson discloses: wherein the network protocol is one of FTP, HTTP, HTTPS, or rsync (See paragraphs 0006, 0037, figure 2).

Claims 108-115 are method claims corresponding to the method of claims 100-115 and are thus rejected for the same reasons as set forth in the rejection of claims 100-115.

Claims 116-131 are computer-readable volatile or non-volatile storage device claims corresponding to claims 100-115 and are thus rejected for the same reasons as set forth in the rejection of claims 101-115.



### **Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIYAH S. HARPER whose telephone number is (571)272-0759. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ELIYAH S HARPER/  
Examiner, Art Unit 2166  
December 26, 2011